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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,890	03/16/2006	Hugh W. Adams Jr.	YOR920020357US2 (590.103)	6517
47049 7590 04/29/2009 FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143				
EXAMINER				
PATEL, MANGLESH M				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
04/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,890

Applicant(s)

ADAMS JR. ET AL.

Examiner

MANGLESH M. PATEL

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 3/6/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This **Non-Final** action is responsive to the RCE filed 2/17/2009 and IDS filed 3/6/2009.
2. In the continuation claims 1-19 remain pending. Claim 20 has been canceled. Claim 21 is new. Claims 1, 10 and 19 are the independent claims.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 3/6/2009 has been entered, and considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-19 remain and 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Vegas (Vegas 2.0 Users Manual, 2000, Sonic Foundry, pgs 1-411 (In PDF Format)).

Regarding Independent claims 1, 10 and 19, An apparatus for managing multimedia content, said apparatus comprising: a processor; an arrangement for supplying multimedia content; an input interface for permitting the selection, for observation, of at least one of the following modes associated with the multimedia content: an audio portion that includes video; and a video portion that includes audio; and an arrangement for annotating observations of a selected mode, wherein annotating observations comprises noting significant observations in a keyword text box; wherein said arrangement for annotating observations of a selected mode comprises: an arrangement for assigning semantic, multimedia content-based labels to segments of said observations of a selected mode; and an arrangement for storing said semantic, multimedia content-based labels with the multimedia content to support retrieval of a segment of said observations of a selected mode based upon its multimedia content; wherein said arrangement for assigning semantic, multimedia content-based labels is configured to perform: selecting a label from a predefined set of multimedia content descriptors; and assigning a new label not present in said pre-defined set of multimedia content descriptors .

Vegas teaches a video editing software that includes an arrangement for supplying multimedia content such as the videos in the timeline shown in the figure (see page 29 in PDF format). The user selects the video or the audio for editing in the interface furthermore allowing the observation of each as shown along the timeline. The track view holds both video and audio annotations thus including observations of an audio portion that includes video or a video portion that includes audio. Furthermore the editing software allows the user to arrange the video mode or the audio mode for annotation along the timeline (see pages 45-107 & 109--119). Vegas further shows on page 88 the use of a comments field to add annotations for noting significant observations in a keyword textbox. The annotations include selecting a semantic label such as the multimedia segments with names associated with the content shown on pg 86 under list view which are in a predefined set of multimedia descriptors and used to annotate by adding the clip/content or audio data to the media on the timeline.

Regarding Dependent claims 2 and 11, Vegas discloses wherein said input interface permits the selection, for observation, of both of the following associated with the multimedia content: an audio portion that includes video; and a video portion that includes audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claims 3 and 12, Vegas discloses wherein said input interface additionally permits the selection, for observation, of solely a video portion of multimedia content (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claims 4 and 13, Vegas discloses wherein said input interface additionally permits the selection, for observation, of solely an audio portion of multimedia content (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claims 5 and 14, Vegas discloses wherein said arrangement for supplying multimedia content comprises a working memory which stores annotated multimedia files in an industry standard format (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claims 6 and 15, Vegas discloses wherein said input interface is adapted to: first permit the selection of a multimedia file and then permit the selection of said at least one of: an audio portion simultaneously with video; and a video portion simultaneously with audio (pages 29 & 45-107, including the explanation provided in the

Independent claim).

Regarding Dependent claims 7 and 16, Vegas discloses a working memory for saving the annotated observations of a selected mode (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claims 8 and 17, Vegas discloses wherein said input interface is adapted to permit the selection, for observation, at least the following mode associated with the multimedia content: a video portion that includes audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claims 9 and 18, Vegas discloses wherein said input interface comprises: an arrangement for permitting the selection, for observation, of a video mode of multimedia content; and an arrangement for selectably adding audio to the video mode for observation (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 21, with Dependency of claim 1, Vegas discloses wherein the arrangement for annotating observations of a selected mode is further configured to: permit a user to annotate audio while viewing video, the arrangement for annotating observations of a selected mode having: a checkbox for annotating foreground sounds, the foreground sounds being most prominent sounds in the audio being annotated; a checkbox for annotating background sounds in the audio; wherein the arrangement for annotating observations of a selected mode is further configured to allow a user to check the check boxes for annotating foreground and background sounds in the audio being annotated and is further configured to permit the user to note observations not accounted for in the checkboxes for annotating foreground and background sounds in a keywords text box (pages 29 & 45-107, including the explanation provided in the Independent claim).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

6. Applicant's arguments filed 2/17/2009 have been fully considered but are not persuasive.

(Note: The Examiner appreciates applicant's effort to expedite prosecution in this application. However as explained above the claim limitations are not clear in its current state regarding the semantic multimedia content-based labels. The Examiner advises applicant to contact the examiner for an interview to discuss potential novel language within the specification and clarify over the teachings of the prior art to help resolve any remaining issues in this application).

Applicant Argues: Applicants respectfully disagree and submit that "layer data" does not amount to a semantic, multimedia content-based labels, nor can a new and/or edited audio/video product amount to semantic, multimedia content-based label (annotated) and/or video product, as per the claims (pg 12, paragraph 1)

The Examiner Respectfully Disagrees: The annotations include selecting a semantic label such as the multimedia segments with names associated with the content shown on pg 86 under list view which are in a predefined set of multimedia descriptors and used to annotate by adding the clip/content or audio data to the media on the timeline.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached M-W & F from 6 am-1:30 pm & TH from 6 am-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Manglesh M Patel/
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Examiner, Art Unit 2178

/CESAR B PAULA/

Primary Examiner, Art Unit 2178